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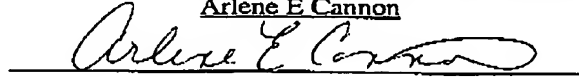
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Commissioner for
Patents; Box: PCT at (571) 273 3201 on 23 February 2005 by

Arlene E Cannon



Attorney Docket No.: P51380

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Axten et al.
Serial No.: 10/533,501
Filed: 4 November 2003
For: Antibacterial Agents

Commissioner for Patents
Mail Stop: PCT
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Decision on Petition under 37 CFR 1.181
Petition to the Commissioner Under 37 C.F.R. 1.182

Sir

This facsimile is in response to the "Decision on Petition under 37 CFR 1.181" mailed on 1 February 2006, which indicates the petition under 37 CFR 1.181 is dismissed without prejudice. A copy of the above notice is attached.

The examiner has indicated that a petition under 37 CFR 1.182 be filed to request correction of applicant's name.

In compliance with the examiner's request, applicant hereby petitions to the Commissioner under 37 C.F.R. 1.182 to have the name of the third inventor Mark Andrew SEEFELD corrected under 37 C.F.R. 1.182.

An Affidavit of explanation from the inventor is attached.

Please charge the \$130.00 petition fee to **Deposit Account No. 19-2570**. Please charge any additional requisite fees for the filing of the enclosed Declaration or credit any over-payment to Deposit Account No. 19-2570.

Respectfully submitted,



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In re Application of	:	
AXTEN et al	:	DECISION ON
Application No.: 10/533,501	:	
PCT No.: PCT/US2003/035206	:	
Int. Filing Date: 04 November 2003	:	PETITION UNDER
Priority Date: 05 November 2002	:	
Attorney Docket No.: P51380	:	
For: ANTIBACTERIAL AGENTS	:	37 CFR 1.181

This decision is in response to applicants' "executed declaration" filed on 02 May 2005 with the correct name of the fourth inventor as Mark Andrew SEEFELD. This is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 04 November 2003, applicants filed international application No. PCT/US03/35206, which claims a priority date of 05 November 2002.

On 02 May 2005, applicant filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee, and an executed declaration.

In the declaration section pertaining to the fourth named inventor, the name Mark Andrew SEEFELD appears; this name did not appear in the international application which is Mark Antony SEEFELD.

DISCUSSION

It is unclear from the submission whether the corrected name is due to a name change or a typographical error since applicant has provided no explanation. Therefore, the declaration of the inventors is not acceptable at this time, in that the name of the named inventor, Mark Andrew SEEFELD, does not correspond to that set forth in the international application, Mark Antony SEEFELD.

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

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Applicant must provide items (1) and (2) for consideration. Alternatively, applicants may provide a showing that the name change was effected in accordance with PCT Rule 92Bis prior to the filing of the present national stage application.

Also, in the case where there is no change name of the individual but an incorrect name was given, a petition under 37 CFR 1.182 should be filed requesting correction of applicant's name

If, however, the name change is due to a typographical error then applicant needs to state and explain it by filing a petition under 37 CFR 1.181. If filed under 37 CFR 1.181 the reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

For the reasons above, the application may not enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

A proper response to the Notice must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Rafael Bacares

PCT Legal Examiner

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Attorney Docket No.: P51380
Applicant: Axten et al.
Serial No.: 10/533,501
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AFFIDAVIT

I Mark Andrew SEEFELD hereby state that on 4 November 2003 International Application PCT/US2003/035206 was filed with my name incorrectly listed as Mark Anthony SEEFELD when it should have been listed as Mark Andrew SEEFELD, the inconsistency in my name occurred by error, without deceptive intent.

Dated this 6th day of February 2006.


Mark Andrew SEEFELD